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Conscience and Satire in John Heywood's *Play of Love*

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John Heywood's gift for mimicry as surely underpins his dramatic productions of the late 1520s and 1530s as his ear for the tropes and patterns of colloquial speech informs the hugely successful volumes of proverbs and epigrams that he would publish in subsequent decades. As a playwright, and probably an actor in his own plays, Heywood was characteristically adept at pastiching the language and forms of the groups for whom he was writing, a talent that gained him a reputation as a 'merry' playwright able gently to mock the pretensions and preoccupations of his audiences in a Lucianic vein, seeming to laugh *with* rather than *at* his subjects.¹ His courtly dramas, *Witty and Witless* and *The Play of the Weather* repeat and render faintly ridiculous the claims and methodologies of scholars, the protocols of courtly conduct, and even the terms of Henry VIII's new Supreme Headship of the Church, seemingly without offending the gatherings of courtiers and scholars who formed their first audiences. Similarly, in *The Pardoner and Friar* and *The Four Ps*, he was able to address the issue of religious dissension which was currently convulsing the Reformation Parliament and civil society, to mock the claims of both sides and call for tolerance, while remaining within the 'merry' confines of Chaucerian estates satire.

In a similar vein, Heywood's 'newe and [. . .] mery enterlude concernyng pleasure and payne in love' (aka *The Play of Love*), the final surviving example of this group of 'political' plays, has long been read as an interlude for lawyers. Its formal debate structure, its apparent preoccupation with legal terms and language, its mocking allusion to the Lord Chancellor, Cardinal Thomas Wolsey, and the court of Chancery over which he presided, all suggest a play written at least in part for the entertainment of lawyers or law students. Thus R. J. Schoeck plausibly suggested that it was designed for performance in one

¹ *The Plays of John Heywood*, ed. by Richard Axton and Peter Happé (Cambridge: D. S. Brewer, 1991), pp. 1-10; Greg Walker, *The Politics of Performance in Early Renaissance Drama* (Cambridge: Cambridge University Press, 1998), pp. 133-68, and Walker, *Writing under Tyranny: English Literature and the Henrician Reformation* (Oxford: Oxford University Press, 2005), pp. 100-19.

of the Inns of Court in London, probably Lincoln's Inn, over the Christmas period of either 1528 or 1529. The play's reference to the festive occasion of Christ's birth (ll. 1371–73) confirms the Christmas dating, and Heywood's connections to Lincoln's Inn through his uncle, Thomas More, perhaps the most eminent current member of that Inn, and Heywood's in-laws the Rastells, make performance there a distinct possibility.

The play seems to assume an audience predisposed to understand and enjoy pastiche and parody of the processes and terminology of formal debate. It is made up of two interlinked disputations about different experiences of romantic love. In the first, a man in love with a woman who does not share his feelings (helpfully named Lover Not Loved) debates with a woman in the opposite situation (Loved Not Loving) over which of them is in the worse condition. When neither will concede the other's claims, they leave the acting place in search of an indifferent judge. A new character, Lover Loved, then enters, claiming that, thanks to his happy situation — he loves a woman who loves him equally in return — he enjoys the greatest of all possible pleasures. A final character, No Lover Nor Loved, identified as the 'vice' on the play's title page, then appears, brusquely calls Lover Loved a woodcock (fool), and promises that, given leave, he could demonstrate through reason that it is he, a man wholly indifferent to love, who is in the more pleasurable state. These two argue back and forth until they too reach an impasse, at which point Lover Loved goes off in search of a judge, leaving No Lover to entertain the audience with a comic tale of amorous betrayal.

When Lover Loved returns, it is with the other couple, and each pair agrees to judge the claims of the other. This they do in the central movement of the play, finally deciding that each case is tied: Lover Not and Loved Not are equally miserable in their separate ways, Lover Loved and No Lover equally happy, one enjoying the intense pleasures (and occasional pains) of mutual love, the other the contentment that comes with freedom from all emotional attachments. The debate thus resolved, Loved Not and Lover Loved shift the ground of the discussion from worldly to spiritual love, affirming in conclusion that sharing Christ's love for humanity and one's fellow Christians is the surest route to the highest form of everlasting happiness.

As this summary suggests, the play consists almost entirely of argument enlivened with comic turns. And it displays throughout a fascination with the processes and terminology of debating. Characters establish the logical grounds for their claims, summarize each other's cases, identify and seek to deny each other's 'principals' (fundamental premises), distinguishing them from subsidiary points of contention,² make temporary, 'without prejudice',

² See, for example, lines 95–98.

concessions of an 'even if' nature to advance their arguments,³ lard their speeches with proverbs and rhetorical questions, and establish analogous hypothetical issues as test cases to resolve the general points at issue (what contemporaries called 'putting cases'). Thus Lover Not asks Loved Not, 'I put case that ye | Stood in colde water all a day to the kne | And I halfe the same day to myd-leg in fyer: | Wolde ye chaunge places with me for the dryer?' (172–75), and later tells her to 'Marke well this question, and answeare as ye can, | A man that is hanged or that mans hangman, | Which man of those twayne suffereth most payne?' (885–87). Later in the play, Loved Not carefully spells out the nature of the process. Having asked her judges which of the two cases they would prefer, to love a woman they never saw, or be pursued by an ugly woman, she then explains to Lover Not that,

['The] fyrst case of these twayne I put for your parte,
And by the last case apereth myne owne smarte.
If they proced with thys fyrst case of ours,
Then is the mater undoubtedly yours.
And if judgement passe with this last case in fine,
Then is the mater asewredly myne [. . .].' (1058–67)

More generally, the interlude is suffused with an evident sense of the pleasures to be had in manipulating the possible permutations of likeness and unlikeness, sympathy and antipathy between the four characters, each of whom has something in common with, and something antithetical to, each of the other three. No Lover points out these possibilities to the others with evident relish,

Lovyng not loved and loved not lovyng,

Those partes can joyne in no maner rekenyng;

Lovyng and loved, loved nor lover,

These parts in joining in lykewyse dyffer.

But in that ye love ye twayne joynd be,

And beyng not loved ye joyne with me,

And beyng no lover with me joyneth she,

And beyng beloved with her joyne ye.

Had I a joyner with me joynd joyntly,

We joyners shulde joyne joynt to joynt quykly:

For fyrst I wolde parte these partes in fleses,

And, ones departed, these parted peses,

Parte and parte with parte I wolde so partlyke parte,

That eche parte shulde parte with quyet harte. (779–92)

Lover Not and Lover Loved

Loved Not

Loved Not

Lover Loved

parts or shares

once

As Axton and Happé note, such 'patterns of opposition, contrast [and symmetry] are explored with logical — sometimes geometric delight'.⁴ All of

³ See, for example, Loved Not's tactical concession at ll. 141–47 and Lover Not's response at ll. 169–71 and 204–28.

⁴ Axton and Happé (eds), *Plays*, p. 21.

this suggests a play redolent of the schoolroom or university curriculum, written for a cast and an audience familiar with, among other things, the processes of formal debate, the identification and discussion of patterns of thought and experience, the structures and disciplines, and the pleasures and frustrations of competitive logical argument.⁵

No Lover is the most irreverent and boisterously physical of the four roles, bringing a self-reflexive theatricality to the dialogue (most obviously, perhaps in his bravura speech listing all the kinds of women to whom he is entirely indifferent, beginning with 'the smothest, the smyrkest [*neatest*], the smallest [...] and ending, eleven lines later, with 'The sayntlyest, the sewrest, the syckest' (351–63)). But, even in his hands the dialogue does not abandon its commitment to the protocols and vocabulary of scholarly debate. Indeed, his first major speech is more heavily larded with debaters' terms ('former process', 'confess', 'conclude [...] determinately', 'conclusion', 'prove') than anything heard so far. By introducing No Lover, Heywood, having already given his audience the chance to enjoy a set debate between two characters (Lover Not and Loved Not) advancing absurd and trivial cases, now raises the bar of absurdity a little higher, while at the same time offering up the very mechanisms of debate themselves for some gentle mockery.

No Lover announces his intention to prove Lover Loved a woodcock, and then tells him — and the audience — just how he will do it,

Thus, lo:
 I do perceyve by your formare proces
 That ye be a lover, wherto ye confes
 Your selfe beloved in as lovyng wyse
 As by wyt and wyll ye can wyshe to devyse,
 Concludyng therin determinately
 That of all pleasures plesaunt to the body,
 The hyest pleasure that man may obtayne
 Is to be a lover beloved agayne:
 In which conclusyon, before all this flock,
 I shall prove you playne as wyse as a woodcock. (314–24)

The mock formal opening, 'Thus, lo', holds up the speech for scrutiny as a self-conscious verbal performance. And in what follows, No Lover does exactly what the tutors and textbooks of rhetoric enjoined their pupils to do: he summarizes his opponent's case, both to show that he has understood it and to establish agreement on the matter at issue, and announces his intention to refute it. Yet the change in verse form from stately rhyme royal to less regular couplets, and the pointed informality of referring to the audience as a 'flock'

⁵ For the exercises and practices echoed in the play, see Peter Mack, *Elizabethan Rhetoric: Theory and Practice* (Cambridge: Cambridge University Press, 2002), pp. 11–75.

(232), would have alerted his hearers to a heightened, parodic quality to the speech, perhaps reinforced by a consciously mocking, 'sing-song' delivery in performance. This is argument drawing attention to itself *as* argument, and inviting its audience to laugh at its own formality. Lover Loved's response, which accuses No Lover of having 'rayl[ed]' rudely (326), and warns him to 'assay to say better, for this seyng is nought' (330), both signals that the vice has over-stepped the bounds of decorum, and, through its own word-play ('assay [. . .] say [. . .] saying'), furthers the shift in attention from the context of the argument to its form.

This exchange, like the play as a whole, offers spectators the chance to view the processes of formal debate from a number of angles, and to derive a series of largely comic pleasures from doing so. Having enjoyed the spectacle of two melodramatically overwrought characters (of whom, Lover Loved's cod-Petrarchan is perhaps the greater drama queen) deploying formal logic to defend their obviously self-indulgent claims to misery, the audience can then enjoy a second, rather different debate in which one disputant uses ever-more extravagant and absurd methods (alliterative lists, comic stories, bawdy puns and physical comedy, before finally running through the audience with burning fireworks in his hat) to 'prove' the unlikely contention that to be entirely without love is a happier state than enjoying a mutually loving relationship. Finally the debate ends, as such 'exhibition matches' designed to reflect upon the process of debating themselves rather to prove any particular point often do, in a score draw, with none of the participants having been able to establish compellingly the veracity of their claims. (A good comparison might be the late twelfth- or early thirteenth-century poem, *The Owl and the Nightingale*, a delightfully wide-ranging and unresolved debate of almost 1800 hundred lines between the two eponymous birds over the simple basic question of which of them is better).⁶

Much of the fun to be had from the play comes, then, from Heywood's affectionate recreation and subversion of the rules and tropes of the logical and rhetorical exercises that were the mainstay of Tudor formal education from the grammar schools to the early years of the university curriculum as well as of the training 'moots' of the Inns of Court. What leads scholars to suppose that it is not just a scholarly play, but specifically a play for *lawyers*, is both the number of terms derived specifically from the legal system which it employs, and the very particular parodic sketch of Lord Chancellor Wolsey that No Lover performs about halfway through the play (of which more below).

⁶ For text and commentary see *The Owl and the Nightingale: Text and Translation*, ed. by Neil Cartlidge (Exeter: University of Exeter Press, 2001).

As Schoeck, Axton and Happé note,⁷ the word 'case' occurs forty-seven times in the play, 'cause' a further fifteen, 'judgement' twenty-four times, and 'proved' nine. There are also references to the need to be 'indifferent' in judgement (five times) and to the 'process' of an argument (twice). These words would have equal valency in a courtroom or a logic class, but there are also more specific references to law officers, such as 'attorney' (1026) and 'serjaunt' (810)), and to the formal legal ratification known as 'affirmation' (1528). When No Lover appeals to Loved Not for a favourable judgement, he claims that his 'pore mans case' is 'so ryght | That a fole [*fool*] may judge it ryght at fyrst syght' (718–20), perhaps alluding to the Court of Requests, or 'poor man's court', where paupers might take their suits.⁸ And when Lover Loved and No Lover differ over whether will or wit is the stronger force, and so cannot decide which of Lover Not and Loved Not is in the more painful state, Lover Loved declares: 'Then be we come to a demurrer in lawe' (931) (a reference to a formal judicial deadlock requiring referral to another court). To these terms and allusions, we might add others noted by Schoeck: Lover Loved's promise, in accepting the verdict of his judges, that he will 'move no mater of interrupcion' (1531), and the repeated references to a 'matter', as in a dispute between two or more persons. And there is surely also a joke hidden in Lover Not's claim that he has to leave the hall in search of an indifferent adjudicator, 'for lacke of a judge in this place' (739), that only makes sense if Heywood expected there to be senior lawyers in the audience.

More fundamentally, perhaps, in light of the parody of Wolsey to which we shall turn in a moment, there is a marked legal resonance to the interlude's frequent play on, and with, the word 'conscience' — a term that No Lover in particular deploys repeatedly and often flamboyantly,⁹ as in the following passage,

Nay, in my conscyens I thynke, by this boke,
 Your conscyens wyll take nothyng that cometh a croke, *awry*
 For, as in conscyens what ever ye do,
 Ye nothyng do but as ye wolde be done to. (753–56)

For 'conscience' was also a legal term of art. It was the governing principle behind the operation of the court of Chancery, and the conciliar court of Star Chamber, over which Wolsey, as Lord Chancellor presided. These courts were known as the Equity courts or courts of conscience, because in them the

⁷ R. J. Schoeck, 'A Common Tudor Expletive and Legal Parody in Heywood's "Play of Love"', *Notes and Queries*, n.s., 3 (1956), 375–76; Schoeck, 'Heywood's Case of Love: A Legal Reading of John Heywood's *The Play of Love*', *Studia Neophilologica*, 76 (1967), 284–301 (p. 285); Axton and Happé, p. 46.

⁸ Schoeck, 'Satire of Wolsey', p. 112.

⁹ Schoeck, 'Satire of Wolsey', p. 113.

Chancellor might, 'in conscience', employ his own judgement to override precedent or the letter of the law in the interests of justice.

In late October 1529, following his resignation as Chancellor, Wolsey produced an eloquent summation and defence of the role of conscience in the courts, and in government generally, for the benefit of those councillors, including Thomas More, who would have the responsibility to oversee and implement the law in the future. 'I counsel you, and all other fathers of the law and learned men of [the king's] council', he told the judge Sir William Sandys,

to put no more into his [Henry VIII's] head than the law may stand with conscience, for, when you tell him 'this is the law', it were well done you should tell him also that, although this be the law, yet this is conscience. For law without conscience is not good to be given unto a king in counsel to use for a lawful right, but always to take a respect to conscience before the rigour of the common law [. . .]. The king ought of his royal dignity and prerogative to mitigate the rigour of the law where conscience have the most force. Therefore, in this royal place of equal justice [he] hath constitute[d] a chancellor, an officer to execute justice with clemency where conscience is oppressed by the rigour of the law. And therefore the court of Chancery hath been heretofore commonly called the Court of Conscience, because it had jurisdiction to command the high ministers of the common law to spare execution and judgement where conscience hath most effect.¹⁰

In the list of charges drawn up against Wolsey by members of the king's council at this same time, his use of the prerogative to cite cases from the common courts to the conscience courts of Chancery and Star Chamber, and to overturn their judgements, formed a substantial proportion of the articles. Article 20 claimed that 'the said Cardinal hath examined divers and many matters in the Chancery after judgement given at the common law [. . .] and made some persons restore again to the other party condemned that they had in execution by virtue of the judgement in the common law'. Article 21 added the accusation that Wolsey 'hath granted many injunctions by writ, and the parties never called thereunto, nor Bill put in against them. And by reasons thereof, divers of your subjects have been put from their lawful possession of their lands and tenements. And by such means he hath brought the more party of the suitors of this your realm before himself, whereby he and divers of his servants hath gained much riches, and your subjects suffered great wrongs.' Similarly Article 26 claimed that, 'when matters have been near at judgement by process at your common law, the same lord cardinal hath not only given and sent injunctions to the parties, but also sent for your judges and expressly by threats commanding them to defer the judgement, to the evident subversion

¹⁰ George Cavendish, *The Life and Death of Cardinal Wolsey*, ed. by Richard S. Sylvester, EETS 243 (Oxford: Oxford University Press, 1959 for 1957), p. 117. I have silently modernized the spelling of this and other non-literary Tudor texts.

of your laws, if the judges would so have ceased.' In 1530, the anonymous 'Replication of a Sergeant at the Laws of England' painted a scornful portrait of a clerical chancellor with 'but superficial knowledge in the laws', who, 'regarding no law, but trusting to his own wit and wisdom, giveth judgement as it pleaseth himself, and thinketh that his judgement, being in such authority, is far better and more reasonable than judgement that be given by the king's justices according to the common law of the realm'.¹¹

Wolsey's chancellorial conscience and its consequences were, then, a matter of considerable contention and notoriety in the final months of 1529, a fact which, given what follows, might favour that year as the more plausible occasion for a performance of *Love*. But, either way, the term is predictably much in evidence in *No Lover's* parodic impersonation of the Cardinal.

Having agreed with *Lover Loved* to be an impartial judge with him of the other pair's debate, *No Lover* then mysteriously disappears, prompting his fellow judge to exclaim, 'Why, where the devyll is this horeson nody [*idiot*]?' (800). He then reappears elsewhere in the hall, claiming to have slipped away to make confession. Axton and Happé follow Schoeck in suggesting that he has reappeared 'aloft', perhaps in a gallery,¹² but he may have simply moved through the crowd to a chair on the dais or elsewhere in the hall that could plausibly be taken to be a seat of (parodic) authority. From this seat he launches into a lengthy 'explanation' of his absence.

I never syt in justyce but ever more	
I use to be shryven a lyttell before.	<i>confessed</i>
And now, syns that my confessyon is done,	
I wyll depart and come take penaunce sone.	
When consciens prycketh, consciens must be sercht, by God,	
In dyscharyng of consciens, or els, gods forbod;	
Which maketh me mete when consciens must come in place	
To be a judge in every comen case.	
But who may lyke me his avaunsement avaunt?	<i>boast</i>
Nowe am I a judge and never was serjaunt,	
Whiche ye regarde not much by ought that I see,	
By any reverence that ye do to me.	
Nay yet, I prayse women; when great men go by	
They crouch to the ground: loke here how they ly;	
They shall have a beck, by Saynt Antony!	<i>nod</i>
But alas, good maystres, I crye you mercy	
That you are unanswered. But ye may see,	
Though two tales ones by two eares hard may be,	<i>heard</i>

¹¹ Lord Herbert of Cherbury, *The Life of Henry VIII* (London: E. G. for Thomas Whitaker, 1649), pp. 269–70. See also Articles 37 and 31 (p. 269); J. A. Guy, *Cardinal's Court* (Hassocks: Harvester, 1977), p. 42.

¹² Axton and Happé (eds), *Plays*, p. 22; Schoeck, 'Satire', p. 113.

Yet can not one mouth two tales at ones answer,
 Which maketh you tary; but in your mater,
 Syns ye by hast in havynge ferdest home,
 Wolde fyrst be sped of that for which you come,
 I graunt as he graunted, your wyll to fulfyll:
 You twayne to be harde fyrst: begyn when you wyl. (801–24)

That this speech was intended to mock aspects of Wolsey's career and behaviour was first pointed out by Schoeck. He noted the barbed nature of the Vice's claim to now be a judge when he 'never was serjaunt' (810), for Wolsey, England's chief judge, had not been trained as a common lawyer (judges were traditionally chosen from among the senior sergeants at law), nor, unlike his predecessors, Cardinal Morton and Archbishop Warham, had he trained in canon or civil law. Thus he was particularly vulnerable — and sensitive — to allegations that he was meddling in matters he was ill-equipped to handle. Thus John Skelton could mock him in his satirical poem, 'Why Come Ye Not to Court' (1522), for declaring 'Strawe for the lawe canon | Or for lawe common | Or for lawe cyvyll. | It shall be as he wyll.' (416–19), and yet,

[...] he was, parde [*by God*]
 No doctor of devinyte,
 Nor doctor of the law,
 Nor of none other saw [*learning*]
 But a poore maister of arte! (508–12)¹³

The notion of a judge attending confession prior to taking his seat on the bench would also have had a particular poignancy if the judge in question was, like Wolsey, a cardinal archbishop; and the repetition of 'conscience' at the start of the speech makes particular sense, as we have seen, in the light of the significance of that concept for the Chancellor's legal responsibilities.

As Schoeck noted,¹⁴ there also seems to be an allusion to what Wolsey's critics claimed was his high-handed and pompous behaviour in Chancery and Star Chamber in No Lover's exaggerated concern for 'reverence', and his claim that 'when great men go by | They crowch to the ground: loke here how they ly | They shall have a beck, by Saynt Antony!' (814–16). For satirists and critics had long accused the Cardinal, in very similar language, of overbearing behaviour towards supplicants, and especially noblemen, when they came before him in court. Again, Skelton's caricature of a splenetic Wolsey in Chancery in his satirical poem, 'Why Come Ye Not To Court?' (1522) is perhaps the most obvious and vivid example of both the allegations and the language in which they were made.

¹³ John Skelton: *The English Poems*, ed. by John Scattergood (Harmondsworth: Penguin, 1983).

¹⁴ Schoeck, 'Satire of Wolsey', pp. 112–14.

He sayth, 'Thou huddy-peke!
 Thy lernyng is to[o] lewde,
 Thy tonge is nat well thewde,
 To seke before our grace'.
 And openly in that place
 He rages and he raves,
 And cals them cankerd knaves.
 Thus royally he dothe deale
 Under the kynges brode seale;
 And in the Checker he them cheks,
 In the Ster Chamber he noddis and beks
 And bereth him there so stowte
 That no man dare rowte;
 Duke, erle, baron nor lorde,
 But to his sentence must accorde;
 Whether he be knyght or squyre,
 All men must folow his desyre. (329–45)¹⁵

But there are still more particular allusions in this speech that deserve closer attention, both as they seem to fix the allusion to Wolsey more firmly, and as they may help us to date the play a little more confidently. The claim to 'be a judge in every comen case', for example, seems more significant when one considers the allegations, made throughout the 1520s, but repeated, as we saw above, with greater force and frequency at Wolsey's fall in 1529, that he repeatedly used citations and injunctions to draw suitors and cases to him from the common law courts and to overturn the judgements reached elsewhere, if he felt justice and conscience required it. There may also be a joke at Wolsey's expense in the way No Lover treats Loved Not, both because he promises to show her favour seemingly simply because she is a woman ('Nay yet, I prayse women [...]') (813)) — satirists repeatedly jibed at the Cardinal for lack of chastity, he being known to have had a least one long-term mistress, Joan Lark, and to have fathered at least two children¹⁶ — and because he apologizes to her, seemingly without cause, for the delay in hearing her case, a failing which

¹⁵ See also lines 184–93 of the same poem, and *Speak, Parrot*, ll. 425–26. Roy and Barlow's reformist satire, *Read Me and Be Not Wroth* (1528) similarly claimed: 'There is neither duke nor baron, | Be they never so great of power, | But they are constrained to crouch | Before this butcherly floutch'. William Roy and Jerome Barlow, *Read Me and Be Not Wroth*, ed. by Edward Arber (Westminster: A. Constable and Sons, 1895), (text unlineated).

¹⁶ Note, for example, 'Why Come Ye Not to Court?', ll. 192–95 and 224–25, and *Read Me and Be Not Wroth*, p. 59 (unlineated): 'he hath no wife, | But whores that are his lovers [...]'. The schoolmaster John Palsgrave noted in his satirical list of Wolsey's 'achievements', drawn up c. 1528: 'We have begun to encourage the young gentlewomen of the realm to be our concubines'. See also *Letters and Papers, Foreign and Domestic of the Reign of Henry VIII*, ed. by J. S. Brewer, 21 vols in 36 parts (London: Longman, Roberts and Green, 1830–52), [hereafter *L.P.*] IV, no. 5749).

he puts down to having more cases to hear than he has mouths to give judgement. For Wolsey was, according to his critics, notoriously slow in hearing petitions and seeing suitors — in large part owing to the magnitude of business and his other commitments as head of the church and the king's chief minister.¹⁷ Finally, the very arbitrariness of the reason he cites for hearing Loved Not's case first — that she has the furthest to go home (821–22), a 'fact' otherwise unmentioned in the play — might be a sly allusion to the cavalier attitude and caprice that his critics alleged underlay a number of his legal judgements.

Still more pointed and specific may be the reference to confession considered briefly above. For, having made the spurious claim that he has returned to the stage after being shriven (confessed by a priest), he then continues to say,

And now, syns that my confessyon is done,
I wyll depart and come take penance sone. (803–04)

These lines, had they been delivered in December 1529, would have had a specificity and sharpness that no one in Tudor London, or indeed elsewhere in England, could have ignored. For Wolsey had indeed 'confessed', and very publically too, only weeks before, and was, during the Christmas period of 1529, quite literally waiting to receive his penance.

The Cardinal had spectacularly fallen from power in the summer of 1529, after the legatine court over which he and Cardinal Campeggio had presided failed to secure Henry VIII the annulment of his marriage to Catherine of Aragon that Wolsey had promised. The court was prorogued at the end of July, and thereafter Wolsey was largely ostracized from court circles. In his absence, however, preparations were in train for the formal destruction of his authority. Thus, on 9 October, the first day of the new law term, an indictment was laid against him in the court of King's Bench under the statute of *praemunire*, which forbade the exercise of any foreign jurisdiction (which his legatine authority was now contentiously asserted to be) within the realm. A week later, on 18 October, Wolsey reluctantly resigned as Lord Chancellor, handing the great seal to the Dukes of Norfolk and Suffolk to return to the king, and on 20 October a second *praemunire* indictment was laid against him.¹⁸ Mindful that the outcome of this process was a *fait accompli*, Wolsey confessed his guilt on 22 October, thereby forfeiting all his property and secular positions; and on 30 October formally petitioned the king for mercy. Henry waived the requirement for Wolsey to be held in prison, but it would not be until 10 February

¹⁷ Skelton, predictably, sees the delays as further evidence of Wolsey's pride; see 'Why Come Ye Not . . .?', pp. 625–37.

¹⁸ P. J. Gwyn, *The King's Cardinal* (London: Barrie and Jenkin, 1990), pp. 583, 591–93; *Letters and Papers*, IV, 6025, 6035.

1530 that he would formally yield to the plea, and grant Wolsey his pardon, along with the return of a portion of his wealth. Thus over Christmas 1529 Wolsey, having confessed his guilt and surrendered to his judges and accusers, was indeed waiting to hear the nature of his penance, and may well have been fearing the worst, given the appearance of the Lord's Articles against him, signed by a cross-section of peers and laymen on 1 December, and the growing anticlerical mood of the parliamentary session that had opened at the end of October.¹⁹ No Lover's seemingly throwaway line might well, then, if performed over Christmas 1529, have had a very powerful and immediate satiric resonance.

There is much, then, to suggest that *The Play of Love* was written to reflect and capitalize upon the particular events of the autumn of 1529, events which were of profound significance for the political nation in general, but also very specifically for John Heywood's own family. For, as we have seen, Wolsey's fall made possible the spectacular rise to high office of Heywood's uncle, Sir Thomas More, who succeeded the cardinal as Lord Chancellor on 25 October, the first common lawyer to do so in 150 years.²⁰ It is thus worth considering for a moment the ways in which the play might have reflected upon, and engaged with, the specific implications of Wolsey's fall for Heywood's own circle.

In this context, we should recall for a moment that Schoeck suggested two plausible dates for the performance at Lincoln's Inn: Christmas 1529 (which I consider, given the above, the more likely), but also the previous yuletide of 1528. It is worth pondering these possibilities a little further. For, despite the fact that they are only twelve months apart, they would have presented strikingly different contexts for the interlude's performance and reception, so much so, indeed, that it is reasonable to suggest that the play — and especially the vice's satirical parody of Wolsey — would have 'meant' something quite different on each occasion. Had the play been produced in 1528, the Cardinal would have been seemingly at the height of his powers. Behind the scenes the king was growing impatient with the delays to the solution of the 'great matter' of his unwanted marriage, but publically Wolsey retained his full confidence, and was presiding over the law courts and the other apparatus of church and state on his behalf with magisterial confidence. Indeed he was formulating ambitious plans for the reform of the church, the reorganization of the English bishoprics, and the dissolution of a string of religious houses.²¹ Conversely, Thomas More was at this time an active council member, Chancellor of the Duchy of Lancaster, and was newly and energetically engaged in the intellec-

¹⁹ For a brief summary of these events see Greg Walker, "'To Speak Before the King, it is no Child's Play': *Godly Queen Hester* in 1529', *Theta X* (2013), 69–96.

²⁰ Guy, *Cardinal's Court*, p. 42.

²¹ Walker, 'To Speak Before the King', p. 83.

tual response to heresy, but he had no realistic expectation of succeeding to the highest judicial office.²² To have performed a satirical skit at Wolsey's expense at this time, even within the privileged confines of an Inn of Court or lawyer's household, would have been a daring oppositional gesture, seemingly at some distance from the immediate concerns of Heywood and his circle, and one that, moreover, might plausibly have provoked an angry reaction from the Cardinal.²³

Had *Love* been produced only a year later, the context, as we have seen, would have been startlingly different. Wolsey had fallen, and so was in no position to react effectively to attacks on his regime or character. Indeed criticism of him was now a regular feature of the political landscape, and had been sanctioned from the highest positions in the land. One of the most spectacular attacks had been made by none other than Thomas More himself. In one of his first acts as Lord Chancellor, he had addressed the opening session of the parliament on 3 November with a bitter denunciation of his fallen predecessor as the great 'wether' (castrated ram) who had sought to lead the king astray. 'As you see', he had told the assembled Lords and members of the Commons,

that amongst a great flock of sheep, some be rotten and faulty, which the good shepherd sendeth from the good sheep, so the great wether which is of late fallen, as you all know, so craftily, so scabbedly, yea and so untruly juggled with the king that all men must needs guess and think that he thought in himself that the [king] had no wit to perceive his crafty doing, or else that he presumed that the king would not see nor know his fraudulent juggling and attempts. But he was deceived, for his grace's sight was so quick and penetrable that he saw him, yea and saw through him, both within and without, so that all thing to him was open, and according to his desert he hath had a gentle correction, which small punishment the king will not to be an example to other offenders, but clearly declareth that whosoever hereafter shall make like attempt or commit like offence shall not escape like punishment.

And as recently as 1 December, a group of royal councillors, again including More himself, with the chief justices of the courts of King's Bench and Common Pleas, had signed the list of forty-four Articles against Wolsey

²² Guy, *Cardinal's Court*, pp. 29–33; Nicholas Harpsfield, *The Life and Death of Sir Thomas Moore*, ed. by E. V. Hitchcock, EETS os 186 (Oxford: Oxford University Press, 1932), p. 39. Guy suggests that More was eventually chosen only as the compromise candidate, when more prominent noble and clerical candidates blocked each other.

²³ The well-known case of the play performed at Gray's Inn at Christmas 1526–27, which represented how 'Lord Governance was ruled by Dissipation and Negligence, by whose misgovernance and evil order Lady Public Weal was put from governance', would have been an obvious precedent. Wolsey summoned the man behind the production, the sergeant at law John Roo, deprived him of his office and sent him to the Fleet along with one of his actors, Thomas Moyle. Edward Halle, *The Union of The Two Noble and Illustre Families of Lancastre and Yorke* [...] (London: Richard Grafton, 1550: facsimile repr. Melton: Scholar Press, 1970), p. cliii(v).

addressed to the king, criticizing every aspect of his administration from his dominance of the church and council to his high-handed treatment of the common law. To have performed *Love* before an audience of common lawyers so soon after the fall of their *bête noir*, and while they were still celebrating the promotion of one of their own into his place, would have given a quite different flavour and impact to the production, and to the Wolsey pastiche in particular. The self-same lines that would in 1528 have been a daring dig at the most powerful man in the realm below the king, would in 1529 have been a sly kick at an already fallen foe, one of many jibes aimed at Wolsey, with little risk attached. In this context the play might seem of a piece, albeit in a more modest and 'merry' vein, with two other dramatic works produced in the wake of the minister's spectacular fall, the anonymous interlude of *Godly Queen Hester*, which, as I have argued elsewhere, was probably written and performed at court or in London over the same Christmas, and the perhaps mercifully lost 'masque of Wolsey going down into Hell' produced by Sir Thomas Boleyn and Thomas Howard, Duke of Norfolk, after the Cardinal's death in 1531.²⁴

Unlike these other plays, however, the major purpose of which would seem to be to celebrate and make political capital from Wolsey's fall, *Love's* agenda seems to be both wider and more generous in spirit. The Wolsey parody is, after all, only a brief, if memorable, 'turn' introduced into the play *in medias res*, rather than the centrepiece of the production, and after it the play moves on to represent other, more substantial issues. The debate ends, as we have seen, with the reconciliation of the four antagonists in agreement that each of them has a just claim to genuine happiness or pain in love. And it concludes by redefining the nature of love as not merely worldly, human affection, but that Christian love or *caritas* that is the greatest of the Christian virtues, binding all humanity to each other and to Christ. In performance in 1529, this shift from partial, worldly love to universal *caritas* would again have had a rather different freight and resonance to the same move performed a year earlier. In 1528 it might have implied to an astute spectator the need to look to wider issues beyond their own immediate concerns, and to be a good Christian in the spirit of the festive, yuletide occasion. In 1529 its spiritual commonplaces might have taken on a distinct and more particular edge. Having given his audience their moment of triumphalism —the chance to laugh at the shortcomings and pretensions of the fallen parvenu judge who 'never was serjaunt' — the playwright's shifting of perspectives from the worldly to the spiritual, the comic to the numinous (a move echoed and reinforced by the shift in verse form back from jaunty couplets to the more stately blank verse with which the play began), might in this context imply the need to move on from the very

²⁴ Walker, 'To Speak Before the King' and *Plays of Persuasion*, p. 20.

particular local concerns that divided them from Wolsey and his regime, and to keep their eyes on the wider, more fundamental ties that bind together the settled Christian community through time.

Loved Not:

In such kynde of love as here hath ben ment,
 Let us seke the love of that lovyng Lorde
 Who to suffer passion for love was content,
 Wherby his lovers that love for love assent,
 Shall have in fyne above contentacyon
 The felyng pleasure of eternall salvacyon.

in conclusion

Which Lorde of lordes, whose joyfull and blessed byrth
 Is now remembered by tyme presentyng
 This accusomd tyme of honest myrth,
 That Lorde we beseche in most humble meanyng,
 That it may please hym by mercyfull hearyng
 Th'estate of this audyens longe to endure,
 In myrth, helth and welth to graunt his pleasure. (1565-77)

The move from merry mockery of the follies of human desire to the celebration of shared values would serve as a sobering reminder to his audience of the need to maintain Christian *communitas* in the face of the divisions between church and laity opened up by the evangelical critics of Wolsey and church doctrine and the attacks on church property in the Reformation parliament.

With this thought in mind it is, perhaps, worth returning briefly to the question of the play's auspices, and to revisit the suggestion of a performance at Lincoln's Inn. What evidence do we have for this claim? That the play seeks in places to pastiche the practices and language of legal pleading for comic effect would seem undeniable, given the evidence examined above. But that the play must as a consequence have been written for an audience composed entirely of lawyers, and so at one of the Inns of Court, seems less obviously compelling. Lawyers were not the only people capable of laughing at the quaint protocols of legal debate or the alleged failings of Lord Chancellor Wolsey, and the Inns were not the only place one might have expected to find lawyers in the Christmas vacation of 1529. Moreover, a good deal of *Love's* dialogue exhibits the same mixture of amused interest and intellectual investment in the generic skills and tropes of formal schoolroom debates to be found in each of Heywood's other plays, rather than anything specifically inflected for lawyers. Indeed, a good deal of the play might seem a little *too* general, too concerned with playing with the basic building blocks of rhetorical argument, to have kept an audience of highly trained lawyers amused for long. Would such an audience have enjoyed the repeated stress upon establishing the basic premises at issue, for example, in the same way that a more mixed audience might have been, for many of whom such things might have been either evocative of their

schooldays, or for the less well educated, entertainingly exotic? A mixed audience, made up of lawyers and other professionals, their families and friends, would have been quite capable of following and enjoying the legal terms that Heywood scattered through the play, but might have gained rather more entertainment from the pastiches of the grammar school exercises which would at least have been the common experience of most of the men present.

The idea of a mixed audience, rather than one made up exclusively of lawyers, would also make more sense of Lover Loved's statement, directed at the spectators, that there is 'No man, no woman, no chylde in this place, | But I durst for judgement trust in this case.' (1288–89). This, if taken literally, would not absolutely rule out an Inns of Court production, but it might suggest the need to consider other possibilities. One such might be a performance before the wider family circle of Heywood himself, which would include the Mores and the Rastells. An audience drawn from among this group would have provided a fair number of lawyers, and specifically members of Lincoln's Inn, with the knowledge to enjoy Heywood's fairly genial and basic fun at the law's expense (More himself and his father Sir John were Lincoln's Inn men, More's son-in-law William Roper was probably another, while John Rastell was a Middle Templar, and his son William, who would print *Love* in 1534, would be admitted to Lincoln's Inn in 1532). Such an audience would also have been sufficiently close to — and implicated in — the events and consequences of Wolsey's fall to have enjoyed No Lover's pastiche of the Cardinal in judgement. Might the play, then, have been performed in More, or more plausibly John Rastell's household? We know that Rastell had a purpose-built stage in the grounds of his house in Finsbury fields, possibly as early as 1524, and so was used to having plays performed there.²⁵ Might he have commissioned a play from his son-in-law to entertain the family over Christmas 1529 and to celebrate the special occasion of their kinsman More's promotion to the Chancellorship? There is insufficient evidence to decide the matter either way, but if *Love* was written for a household performance rather than for the Inns, it would help to explain some otherwise puzzling features of the play.

Heywood's frequent stress on the importance of conscience and indifferent judgement would make some sense in a play for common lawyers, but would make rather more in a play for a community whose most celebrated member had just been appointed Lord Chancellor, and so was now professionally obliged to search and deploy his conscience daily on the national stage. For such an audience there was potential fun to be had from laughing both *at* Wolsey's almost fetishistic celebration of his institutional conscience, and *with* the reticent More's discomfort at stepping into the same role. Similarly

²⁵ Janette Dillon, 'John Rastell's Stage', *Medieval English Theatre*, 18 (1996), 15–45.

Heywood's repeated insistence on the need for judges to act in accordance with reason and to eschew partiality, which would seem oddly pedantic, even presumptuous, in a play written by a court musician for a room full of lawyers (the equivalent of offering a play about sucking eggs to an audience of grandmothers) would seem more apt as genial, tongue-in-cheek 'good counsel' from a nephew to his uncle on the occasion of his professional apotheosis: a light-hearted *speculum principis* for the new prince of Chancery. And the counsel would not have been without its sharp edges; for More was Wolsey's nominee for the chancellorship and, like his predecessor, was a judge who had never been a sergeant.²⁶ Likewise the closing enjoinder to look beyond current differences of opinion and to embrace the wider, shared interests that tied all Christians together might have seemed a pointed note for Heywood to strike in the company of the new Chancellor as the battle lines of the early reformation were beginning to be drawn, and each of those present began to ponder their responses.

Wherever *Love* was performed, what this discussion more surely suggests is the capacity, even the propensity, of early interlude drama to engage directly with contemporary social and political issues and the individuals they concerned. It also reveals the subtlety and depth with which these seemingly playful, trivial plays could address those issues. But *Love* and interludes like it are not simply dramatized polemic or propaganda. The play pursues a political agenda, but it does so as only one part of a rich, theatrical process, offering its audience a series of diverse intellectual, emotional and sensual pleasures and provocations in addition to its interventions in contemporary controversies. It is a *play* first and a *political* play second, offering entertainment, enlightenment, and intellectual and emotional stimulation as well as a contemporary political and social commentary. In order to understand how a text such as *Love* performed in its own cultural moment we need to know a great deal about when, where, by and before whom it was performed, and this information is only rarely available in any but the most fragmentary and ambivalent form. This is doubly frustrating as, as we have seen, differences of even a year in the date of performance could have a profound effect upon the impact of a production and on the cultural work that it could perform.

But, where we *can* suggest a plausible context for performance, the rich pattern of the ways in which a play may have sought to appeal to and resonate with the interests, experience, and anxieties of the communities that produced and consumed it can be thrown into striking relief. In this case, a sense of context suggests that *Love* is a rather more sophisticated and nuanced play

²⁶ Guy, *Cardinal's Court*, p. 8, and *A Daughter's Love: Thomas and Margaret More* (London: Fourth Estate, 2008), p. 182.

than it might initially appear. If on one level it is a playful, foolish drama that pastiches the formal protocols of schoolroom and legal argument and special pleading for comic effect, it is at the same time also a play that prods and pokes the sharp blade of comedy into some very sensitive places. Like Erasmus's *Praise of Folly*, it uses Lucianic humour to sting pride and pomposity wherever it finds them, and revels in the exposure of every hidden agenda, including its own.²⁷ It crosses and re-crosses the lines between seriousness and folly, between sharp, dangerous satire and childlike delight in nonsense so deftly and nonchalantly that we hardly notice it is doing so.

No Lover's foolish harping on 'conscience' is probably the most obvious case in point. As we have seen, his repeated play with that theme allows spectators the opportunity to laugh at the pomposity and special pleading of the newly disgraced Lord Chancellor, and also to laugh — perhaps a little more uncomfortably — with his recently appointed successor at one of the primary challenges of his new role. The vice's mockery of the frequent appeal to conscience flatters the audience with the thought that they have all seen through the self-importance and naked chicanery of Wolsey's empire-building in Chancery. But it also tacitly challenges his successor to ponder how he will balance the rights and prerogatives of the courts of conscience against those of the common law now he is in Wolsey's chair. How will More balance his own sense of the demands of justice with the precedents and case law of the lower courts? Will he be able to walk that fine line any more satisfactorily, from the lawyers' perspective, than the fallen Cardinal? And, if not, will the same problems arise that marred their relationship with Wolsey? Whose man will the new Chancellor be: Chancery's, the Inns', or his own? These were questions which, like a particularly restive elephant in the room, would have been rubbing up against the sensitivities of many of those present at a performance of *Love* in December 1529, whether at Rastell's house or in Lincoln's Inn. What Heywood claimed in and through the play (and here its disarming title was perhaps part of the claim) was the merry licence to air those questions in a convivial context that removed much of their divisive potential without mitigating any of their sharpness.

And looming yet more darkly over the whole event, of course, was that still more ominous sense in which 'conscience' was on everyone's mind in 1529, especially in the circle around Sir Thomas More: the 'Great Matter' of conscience that was the King's divorce campaign. Henry VIII's conscience, and the 'scruple' that had formed in it that his marriage to Katherine was not valid

²⁷ For Lucianic satire in an Henrician context, see Walker, 'Folly', in *Cultural Reformations: Medieval and Renaissance in Literary History*, ed. by Brian Cummings and James Simpson (Oxford: Oxford University Press, 2010), pp. 321–41.

in the eyes of God, had been a matter of intense public concern for the past eighteen months. At every point in the divorce process, from his first private conversations with his closest counsellors in early 1527, through the public meetings with his judges and the political elite in which he tried to justify his position in the summer and autumn of 1528, to the abortive Blackfriars trial, Henry had stressed the centrality of the royal conscience to all his proceedings. When, in summer 1528, London gossip suggested that 'the king would for his own pleasure have another wife', Henry summoned 'all his nobility, judges and councillors, with diverse other persons' to Blackfriars, to tell them that he was deeply troubled by the notion that he had been living in sin these passed twenty years. 'Think you that these doings do not daily and hourly trouble my conscience and vex my spirits?' he asked them. Thus he had summoned impartial judges to try his case, 'for the discharge and clearing of my conscience'. All of those present were this to spread the word among his subjects, 'and desire them to pray with us that the very truth be known, for the discharge of our conscience and the saving of our soul'.²⁸

And set against these very public scruples of the royal conscience were the private doubts in the conscience of Sir Thomas More. In his dealings with the king, More's conscience was again the central point of concern. Having previously told him that he would not 'put any man in ruffle or trouble of his conscience' if he could not agree with his divorce, Henry returned to the issue when he offered More the chancellorship, asking him to discuss the matter afresh with the team of scholars who were producing the arguments that would provide the theoretical underpinnings of the Royal Supremacy, in the hope that they could persuade him of the legitimacy of the King's case. But here again the King assured More that, if he remained unconvinced, he would nonetheless 'continue his gracious favour towards him and never with the matter molest his conscience after'.²⁹

Conscience was, then, a matter that would have touched every member of the audience at a performance of *Love* in 1529, wherever it was played, and no one more closely than Sir Thomas More, the spectator for whom the play may well have been devised, and for whom the issue of conscience would become still more life-defining in the coming years. He probably had occasion to laugh many times at what he saw performed that day: the merry pastiches of legal

²⁸ See, for example, *L.P.* iv 3641 and Edward Hall, *Union*, pp. clxxx and verso. And at Blackfriars, Henry again stressed that it was summoned 'for the quietness of my mind and conscience only' (Hall, *Union*, p. clxxxii; Cavendish, *Life of Wolsey*, p. 83).

²⁹ Roper, *Life of More*, pp. 224–25. As More himself would later recall, Henry assured him that he need not 'other thing do or say herein than upon that that I should perceive mine own conscience should serve me, and that I should first look unto God and after God unto him' (John Guy, *Reputations: Thomas More* (London: Edward Arnold, 2000), p. 149).

procedure, the mocking parody of Wolsey's behaviour, the sheer exuberance of No Lover's performance as the vice. But, in the spirit of Erasmus's *Praise of Folly*, and of his own equally Lucianic *Utopia*, that laughter would probably never have been wholly comfortable or assured. The play sought to prompt him, like his fellow spectators, to look inward as well as outward, forward as well as back in searching out the examples of folly and the unacknowledged contradictions that were its target; and to confront issues that were at the heart of current controversies, and of his own engagement with them. Far from being a simple, conventional play, then, Heywood's interlude was a complex, sharp and edgy drama that allowed no one the luxury of thinking that the jokes were only at others' expense.